

STATE OF NEW HAMPSHIRE
Executive Council

COLIN VAN OSTERN
EXECUTIVE COUNCILOR
DISTRICT TWO



STATE HOUSE ROOM 207
107 NORTH MAIN STREET
CONCORD, NH 03301
(603) 271-3632

April 17, 2013

Friends,

Below is a summary of yesterday's Governor & Executive Council meeting – but first, I wanted to provide some additional background on the Council's unanimous vote to confirm NH Attorney General Joe Foster yesterday.

***** SPECIAL REPORT ON ATTORNEY GENERAL CONFIRMATION *****

I had the opportunity to interview Mr. Foster privately and also to raise several issues with him during a public hearing ([audio here](#)) hosted by the Council. In addition to general discussion of his background and approach to the position, topics I raised included:

- **Future of the Financial Fraud Unit** – Last year, Governor Lynch's proposal of a Financial Fraud Unit in the AG's office was delayed first by the Executive Council and then the legislature. It's currently in the Budgets proposed by both Governor Hassan and the NH House; Mr. Foster voiced his support.
- **MTBE case** – Last week, NH won a record \$236 million verdict from Exxon-Mobil to pay for cleaning and protecting NH groundwater; Mr. Foster praised the AG's office work and expressed a desire to defend vigorously against any appeal.
- **Gambling & Gambling Regulation** – Mr. Foster said that the 2010 Gaming Study Commission [report](#), which he helped write, is generally reflective of his views on the issue. Most importantly, he echoed its call for a full, independent review of our current regulatory structure and our capacity to regulate a casino.
- **Merrimack River Valley Flood Control Compact** – Under an agreement with the state of MA, NH towns which took land off the tax rolls for some specific flood control purposes are owed several million dollars from the state of MA (which shared in the benefit). I've raised this issue with the Governor and more recently Mr. Foster, and he agreed to assertively pursue these funds. Additionally, I was pleased to see Governor Hassan nominate three citizens from affected towns to serve on the related Commission this week (see "nominations" below).

Finally, I reached out to members of the law enforcement community throughout my district for their input, and was pleased to hear endorsements of Mr. Foster from current and former troopers and officers in Concord, Keene, and several smaller towns in the district.

***** STANDARD COUNCIL MEETING SUMMARY *****

At yesterday's meeting of the Governor & Council, we approved:

(1) Projects impacting Merrimack Co & Central NH: A grant to study facility improvements at the Merrimack Valley Day Care, overhaul of three Boston-Express coach buses, extension of the study of erosion along the Suncook river, an emergency response to the invasive Emerald Ash Borer beetle, and confirmation of a Major in the NH Army National Guard.

(2) Projects impacting the Monadnock Region: A program to help low-income citizens be able to use food stamps at local farmers' markets.

(3) Projects impacting Strafford & Belknap Co: Landscaping services at the Somersworth Unemployment Security office, a UNH-authored local foods guide for Belknap Co., and an extension of the agreement to incarcerate state female offenders at the Strafford Jail through June 2014.

(4) Other projects & policies with statewide impact: Organic farming workshops, a TV ad campaign to support NH farmer's markets, and purchase of iPads for Field specialists to make their work more efficient when in the field (literally).

(5) Confirmations & Nominations: Confirmation of the Attorney General and several other positions (list below); and heard the re-nomination of NH Agriculture Commissioner Loraine Merrill and several other positions (list below).

The only divided vote was a 4-1 vote to confirm Dennis Caza to the Racing & Charitable Gaming Commission. Councilor Sununu objected that a representative of a labor union should not be in a position to be a Commissioner, particularly while members of his union work in locations licensed by that Commission. My view is that someone who spends his days standing up for janitors and maintenance workers at these and other jobsites will add a valuable perspective and balance to the five-member Commission, especially considering the Commissioners do not manage day-to-day employee or labor relations. If such issues arose before the Commission, he would be held to the same standard to recuse himself as would any other Commissioner with a vested interest in Commission business.

Full details on all these items are included below. The next meeting is on May 1. If you have any questions, please don't hesitate to let me know – and **if you prefer not to receive these updates, just drop me an email and let me know and I'll remove you from this list.**

Sincerely,
Colin

FULL 4/17 AGENDA: <http://1.usa.gov/132mvbq>
(or follow the links below for documentation of each item)

1. DETAIL: CENTRAL NH PROJECTS

[Authorized](#) to award a grant to the City of Concord, NH, in the amount of \$12,000 for the purpose of conducting a feasibility study. Effective April 17, 2013 through December 31, 2013. **100% Federal Funds.**

[Authorized](#) the Bureau of Rail & Transit to enter into an agreement with Boston Express Bus Inc., Concord, NH, to overhaul 3 State-owned Motor Coach Industries motor coaches operated by Boston Express Bus Inc., for an amount not to exceed \$220,792. Effective upon G&C approval through December 31, 2013. **100% Federal Funds.**

[Authorized](#) to amend an agreement with Field Geology Services LLC, Farmington, ME, (originally approved by G&C on 5-9-12, item #77), to complete the fluvial erosion hazard assessment of the Suncook River, by extending the completion date to June 30, 2014 from June 30, 2013. No Additional Funding. **100% Capital (General) Funds.**

Authorized \$43,610 from the Forest Management and protection Funds for emergency surveillance of the invasive Emerald Ash Borer, which was discovered in Concord this Spring and is deadly to NH Ash trees, which make up 6% of our hardwood forests. More information at www.nhbugs.org.

Authorized the confirmation of Jeffrey C. Pettee, Warren, NH, to the rank of Major, NH Army National Guard.

2. DETAIL: MONADNOCK PROJECTS

[Authorized](#) to enter into a grant agreement with the Cheshire County Conservation District to conduct a farmers' market enhancement program, in the amount of \$34,236.87. Effective upon G&C approval through September 30, 2015. **100% Federal Funds.**

3. DETAIL: STRAFFORD/BELKNAP COUNTY PROJECTS

[Authorized](#) to enter into an agreement with the University of NH, to create and distribute a regional food guide in the Belknap County area, in the amount of \$12,797. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

[Authorized](#) to enter into a contract with Salmon Falls Nursery, Berwick, ME, for lawn care and landscape services at NHES Local Offices, Portsmouth, and Somersworth, NH, in the amount not to exceed \$28,320. Effective upon G&C approval through October 31, 2015. **100% Federal Funds.**

[Authorized](#) to exercise the renewal option with Strafford County, Dover, NH (originally approved by G&C on 6-22-11, item #68), for the provision of In-State Incarceration of State Sentenced Female Offenders Services, by increasing the amount by \$547,500 from \$657,900 to \$1,205,400. Effective July 1, 2013, or

upon G&C approval, whichever is later, through June 30, 2014. **100% General Funds.**

4. DETAIL: OTHER PROJECTS & POLICIES WITH STATEWIDE IMPACT

[Authorized](#) to enter into a grant agreement with the Northeast Organic Farming Association of NH, to develop and conduct an education program for farmers, in the amount of \$27,590. Effective upon G&C approval through September 30, 2015. **100% Federal Funds.**

[Authorized](#) to enter into a grant agreement with NH Stories Inc., d/b/a NH Made, to conduct a television advertising campaign to encourage consumers to shop at NH Farmers' Markets, in the amount of \$8,000. Effective upon G&C approval through October 30, 2013. **100% Federal Funds.**

[Authorized](#) to enter into an agreement with the University of NH, to create a program integrating Ipad technology for information delivery and assistance to farmers, in the amount of \$22,218. Effective upon G&C approval through December 31, 2014. **100% Federal Funds.**

5. DETAIL: APPOINTMENTS & NOMINATIONS:

(* = District 2 Resident)

CONFIRMED:

Attorney General: Joseph A. Foster, Nashua, NH

Director of Historical Resources at the Department of Cultural Resources: Elizabeth H. Muzzey, Concord, NH*

Medical Review Subcommittee: Louis E. Rosenthal, Concord, NH*

Racing and Charitable Gaming Commission: Dennis H. Caza, Goffstown, NH

Dir of Accounting Services at the Department of Administrative Services: Karen L. Benincasa, Bow, NH

Deputy Commissioner of Department of Administrative Services: Michael P. Connor, Pembroke, NH

Cannon Mountain Advisory Commission: Richard McLeod, Franconia; Dennis E. Murphy, Center Harbor, NH

Compensation Appeals Board: Benjamin C. Baroody; Roger E. Gagnon, Manchester, NH

Board of Medicine: Mark C. Sullivan, Stratham, NH

Public Employee Labor Relations Board: Mark Hounsell, Conway, NH

Speech-Language Pathology Governing Board: Deborah Snow-Major, Hooksett, NH

NOMINATED FOR A VOTE NEXT MEETING:

Commissioner of the Department of Agriculture, Markets & Food: Lorraine Stuart Merrill, Stratham, NH

University System Board of Trustees: Joseph G. Morone, Portsmouth, NH

Merrimack River Valley Flood Control Commission: George C. Cummings, Webster, NH*

Merrimack River Valley Flood Control Commission: Merton L. Mann,
Dunbarton, NH*

Merrimack River Valley Flood Control Commission: Bryan L. Pellerin,
Hopkinton, NH*

Land & Community Heritage Authority Board of Directors: Edward J.
McLear, Meredith, NH

Land & Community Heritage Authority Board of Directors: Amanda A.
Merrill, Durham, NH*

Assistant Commissioner of the Department of Administrative Services:
Joseph B. Bouchard, Concord, NH*

Board of Architects: Sheldon K. Pennoyer, Greenfield, NH

Business Finance Authority: Mary Elizabeth Purdy, Concord, NH*

Connecticut Lakes Headwaters Citizens Committee: Harry C. Brown,
Stewartstown, NH

Current Use Advisory Board: Thomas A. Mullin, Rochester, NH*

Health Services Planning and Review Board: Debra S. Grabowski, Raymond,
NH

State Historical Records Advisory Board: Richard E. Winslow, III, Rye, NH

Penalty Appeal Board: David W. Laughton, Auburn, NH

Railroad Appeals Board: Francis X. Quinn, Rye, NH

Board of Veterinary Medicine: Elaine Forst, Pittsfield, NH

The next scheduled Governor and Executive Council Meeting will be held on
Wednesday, May 1, 2013 at 10:00 a.m. in the Executive Council Chamber at
the State House, Concord, NH.